

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING )  
PHARMACY, INC. PRODUCTS LIABILITY ) MDL No. 02419  
LITIGATION ) Docket No. 1:13-md-2419-RWZ  
\_\_\_\_\_  
\_\_\_\_\_  
This document relates to: )  
\_\_\_\_\_  
All of the cases against the Box Hill Defendants<sup>1</sup> )

**NOTICE OF PROPOSED BELLWETHER CANDIDATE CASES**

Defendants, Box Hill Surgery Center, LLC, Ritu T. Bhambhani, M.D., and Ritu T. Bhambhani, M.D., LLC (collectively the “Box Hill Defendants”) hereby give notice that they are proposing the following cases below as potential bellwether candidates in accordance with the Court’s Second Amended Order Setting Discovery Deadlines.<sup>2</sup>

It should be noted that the language of the Second Amended Order Setting Discovery Deadlines requires “[e]ach side to select 8 potential bellwether trial cases.” While there are also 26 cases with similar Plaintiffs’ counsel and similar claims being made by additional patient plaintiffs against the Box Hill Defendants in Maryland state court in the Circuit Court for Harford County, Maryland, there are only eight (8) cases pending here in the MDL. As such, both parties are forced to propose all eight (8) of the cases that exist in the MDL against Box Hill, which seems to defeat the purpose of efficient discovery and adjudication of “representative” cases in an MDL.

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<sup>1</sup> This pleading applies to the following cases: Handy v. Box Hill Surgery Center, LLC, et al. No: 1:14-cv-14019-RWZ; Armetta v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14022-RWZ; Torbeck v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14023-RWZ; Kashi v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14026-RWZ; Bowman v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14028-RWZ; Dreisch v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14029-RWZ; Davis v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14033-RWZ; Farthing v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14036-RWZ

<sup>2</sup> Dkt. 3042.

Accordingly, the Box Hill Defendants propose the following cases:

<u>Case Name</u>	<u>Docket Number</u>
Handy v. Box Hill Surgery Center, LLC, et al.	No: 1:14-cv-14019
Armetta v. Box Hill Surgery Center, LLC, et al.	No. 1:14-cv-14022
Torbeck v. Box Hill Surgery Center, LLC, et al.	No. 1:14-cv-14023
Kashi v. Box Hill Surgery Center, LLC, et al.	No. 1:14-cv-14026
Bowman v. Box Hill Surgery Center, LLC, et al.	No. 1:14-cv-14028
Dreisch v. Box Hill Surgery Center, LLC, et al.	No. 1:14-cv-14029
Davis v. Box Hill Surgery Center, LLC, et al.	No. 1:14-cv-14033
Farthing v. Box Hill Surgery Center, LLC, et al.	No. 1:14-cv-14036

In proposing these bellwether cases, the Box Hill Defendants reserve and do not waive any and all rights to have these cases remanded to and tried in Maryland.

Dated: December 1, 2016

Respectfully submitted,

/s/ Gregory K. Kirby  
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**CERTIFICATE OF SERVICE**

I, Gregory K. Kirby, hereby certify that a copy of the foregoing Notice of Proposed Bellwether Candidate Cases, filed through the CM/ECF system, will be accessible to those attorneys who are registered with the Court's electronic filing system and Notice of Electronic filing (NEF), including the attorneys representing the plaintiffs in the individual cases, and will be sent to these parties by operation of the CM/ECF system.

Dated: December 1, 2016

/s/ Gregory K. Kirby

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